

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

10 BRIAN WHITAKER,

11 Plaintiff,

12 v.

14 KEVIN JEWELERS, INC.,

15 Defendant.

16 Case No. 1:20-cv-01831-JLT-BAK (SKO)

17 **ORDER ADOPTING FINDINGS AND
RECOMMENDATION THAT
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT BE DENIED**

18 **(Docs. 12, 15)**

19 Brian Whitaker asserts Kevin Jewelers, Inc., violated his accessibility rights arising under
20 the Americans with Disabilities Act and the California Unruh Civil Rights Act. (Doc. 1.) On
21 April 22, 2022, Plaintiff filed a motion for default judgment against Defendant, pursuant to Fed.
22 R. Civ. P. 55(b). (Doc. 12). On June 15, 2022, the assigned magistrate judge issued findings and
23 a recommendation that the motion be denied without prejudice for inadequate service of process
24 on Defendant. (Doc. 15.) The findings and recommendation provided that any party could file
25 objections thereto within twenty-one (21) days. (*Id.* at 6–7.) To date, no objections have been
26 filed. (*See* Docket.)

27 ///

28 ///

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the
3 findings and recommendation are supported by the record and proper analysis. Thus, the Court

4 **ORDERS:**

5 1. The findings and recommendations issued on June 15, 2022 (Doc. 15) are
6 **ADOPTED IN FULL.**
7 2. Plaintiff's motion for default judgment (Doc. 12) is **DENIED** without prejudice to
8 renewal upon a showing of adequate service on Defendant.

9
10 IT IS SO ORDERED.

11 Dated: July 14, 2022


UNITED STATES DISTRICT JUDGE

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28